

LAW OFFICES

ALLAN H. CARLIN

708 THIRD AVENUE • NEW YORK, NEW YORK 10017

TELEPHONE (212) 935-8300
FACSIMILE (212) 935-5219

October 23, 2012

The Honorable Robert W. Sweet
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007-1312

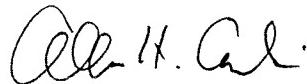
Re: *NYSE Specialists Securities Litigation*
Case No. 03 CV 8264 (RWS)

Dear Judge Sweet:

On behalf of Robert A. Martin and Empire Programs Inc., I am writing this letter to Your Honor because of my clients' inability to obtain satisfactory answers from class counsel concerning the status of the settlement of this matter. On January 31, 2012, the discovery deadlines were adjourned without date because counsel had entered into a Memorandum of Understanding which contemplated the submission of a Stipulation of Settlement. Apparently, counsel has been unable to convert the Memorandum of Understanding into a Stipulation of Settlement in the ensuing period of nearly nine months. Given that this action has been pending for nine years, my clients are very concerned, among other things, that customer trading records of the various brokerage firms have not been, or will not, be retained, and that it will be increasingly difficult for injured customers to be linked to specific transactions. Accordingly, we respectfully request that Your Honor address the status of this matter as soon as possible.

Thank you very much for your consideration of this request.

Respectfully yours,



Allan H. Carlin

AHC:cs

cc: All Counsel via ECF